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FM AMEMBASSY SINGAPORE
TO RUEHC/SECSTATE WASHDC PRIORITY 9243
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHC/DEPT OF LABOR WASHDC
RUCPDOG/DEPT OF COMMERCE WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEHGV/USMISSION GENEVA 0835

UNCLAS SINGAPORE 000892

SIPDIS

SENSITIVE
SIPDIS

STATE FOR EB/IPC, EAP/PMBS
USTR FOR VESPINEL AND JJENSEN
COMMERCE FOR JBAKER
USPTO FOR PFWLER
COPYRIGHT OFFICE FOR STEPP

E.O. 12958: N/A

TAGS: [KIPR](#) [ECON](#) [ETRD](#) [EINV](#) [USTR](#) [WTRO](#) [SN](#)

SUBJECT: SPECIAL 301 REVIEW SINGAPORE: RECOMMEND NO CHANGE
IN STATUS

REF: A) STATE 14937 B) SINGAPORE 00811 C) SINGAPORE

00197 D) 05 SINGAPORE 03324 E) 05 SINGAPORE
02817 F) 05 SINGAPORE 00506

¶1. Summary: Post recommends maintaining Singapore's current Special 301 status in 2006, i.e., not on the watch list or priority watch list. Singapore is committed to enhancing what is already one of Asia's strongest intellectual property regimes. The government continues to implement its IPR-related commitments under the U.S.-Singapore Free Trade Agreement (FTA). In September 2005, Singapore police conducted the first corporate end-user raid for suspected illegal software use under the country's amended Copyright Act (ref E). Some IPR enforcement challenges remain, however, such as encouraging Singapore to screen more transshipment and transit cargo for infringing products, and stopping textbook duplication by commercial copy centers (ref D). End summary.

301 "SPECIAL MENTION"

¶2. Although industry did not nominate Singapore for inclusion in the 2006 Special 301 review process, the International Intellectual Property Alliance (IIPA) did make "special mention" of Singapore. In this year's submission, IIPA expressed concern that Singapore's 2005 Copyright (Amendment) Act fails to address two issues: 1) under Singapore law, performers do not have exclusive rights to non-interactive digital audio transmissions (Note: As IIPA observes, U.S. law also does not protect this right. End note.); and 2) Singapore law allows parallel imports in cases where the good is not currently sold in the domestic market. Neither of these issues contravenes Singapore's FTA commitments.

ONGOING EFFORTS

¶3. In order to comply with its FTA commitments, Singapore has implemented several legal and regulatory changes to strengthen its IPR regime. These include further amendments to its Copyright Act in January 2005 and again in August 2005, amendments to both its Trademark and Patents Acts, and a new Manufacture of Optical Discs Act. During the past year, several media reports have suggested that the government is considering adoption of comprehensive

whistleblower protections. In their representations to the GOS, the Business Software Alliance (BSA) and the American Chamber of Commerce in Singapore both have advocated a move in this direction.

¶4. In terms of enforcement, Singapore recently charged an interior design firm with 51 counts of copyright infringement following a police raid last September. BSA and the Motion Picture Association (MPA) have noted that this type of visible and well publicized enforcement will deter other violations. We are encouraging the government to reduce the time lag between enforcement actions and legal prosecutions.

¶5. In 2005, the Intellectual Property Office of Singapore (IPOS) promoted an aggressive public awareness campaign through its HIP (Honor Intellectual Property) Alliance and "Say No! to Piracy" initiatives. The World Intellectual Property Organization (WIPO) Secretariat opened offices in Singapore in June 2005, and Singapore is currently hosting the WIPO's Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, the first of its kind in Asia. The government's IP outreach and protection efforts are producing tangible results: IP-intensive U.S. firms such as Electronic Arts and Lucasfilm recently opened facilities here, citing Singapore's strong IP laws as a major factor in their respective investment decisions.

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